

MARCH 4, 2014

The Manasquan Planning Board held a Regular meeting at 7PM on Tuesday, March 4, 2014 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman Neil Hamilton's statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press and forwarded to the Website on January 16, 2014.

Roll Call:

Present: Mayor Dempsey, Chairman Hamilton, Council Member McCarthy, Board Members Muly, Rabenda, Love, and Thompson.

Board Member Ragan arrived at 7:03PM

Absent: Board Members Harriman, Burke, Sullivan, Ragan, Apostolou and Young.

Professionals Present: Board Attorney – Geoffrey S. Cramer and Board Engineer Albert D. Yodakis

Salute the Flag

Attorney Cramer read the rules and time frame for the meeting.

APPLICATION #44-2013 – Silidker, Mark and Mary – 474 Euclid Avenue – Block: 146 – Lot: 17.02 – Zone: R-2 – Attorney Cramer stated there was a letter from Mr. Silidker saying he did not notify one of the property owners within 200-feet within the proper time period he is requesting a continuance until Tuesday, April 1, 2014 at 7PM. Board members unanimously agreed to the continuance.

APPLICATION CARRIED

APPLICATION #10-2014 – Spiegle, Harold and Vera Wu – 35 N Jackson Avenue – Block: 157 – Lot: 8.04 – Zone: R-1 – Attorney Rick Brodsky is representing the applicants. He had witnesses to be sworn in. Attorney Cramer swore in Vera Wu, Jason Marciano with East Coast Engineering, and Harry Spiegle owner/applicant and also the Board Engineer.

Attorney Brodsky gave the nature of the application which is to install a 15 X 30-foot pool. Originally they sought a depth of 7 ½-feet; they have discussed it with their Engineer and are amending the application tonight on record to reduce the request to a 5-foot depth. There are no other Variances requested with regard to the pool except for the depth issue for the water table as the Ordinance requires that the lowest base point of the pool be at least one-foot above the ground water level. At this location the seasonal high water level is at 3 ½-feet. There had previously been a pool on this property and they were under the impression they could replace what was there until they went to pull a permit for the pool.

MARCH 4, 2014

Vera Wu, representing herself was the next to testify. The reason they picked the southern lot of the subdivision was because they knew that was the one that had the existing pool. Their children are avid swimmers and even though they love the beach they wanted a pool. She has spoken to their neighbors surrounding their property and they are all fine with the idea of a pool.

Next, Jason Marciano stepped up to testify. He told the Board his credentials and they were accepted by the Board. His office is based in Toms River, NJ. The builder of the house under construction approached him regarding the pool. At the deep end the pool is deeper than what is allowed. They decided to reduce the depth of the pool to 5-feet as opposed to the original 7 ½-feet. He submitted Exhibit A-1 which is titled pool location plan; it is more of a pool cross section with some true elevations. The shallow end is 3-feet, 4-inches and all those numbers are to the top of the pool wall or the ground surface in this case. The actual water level is 8-inches below the top of the pool. Only 22% of the pool volume is not compliant and 78% is compliant with the Ordinance. There is a very minimal impact on the water table in this vicinity.

Next, Exhibit A-2 entitled Pool Location Plan was entered as evidence. Jason said this is a color aerial photograph scaled underneath the topography lines. The proposed house and pool. This photograph came from Google Earth and is dated September 20, 2010 so it's the end of the summer, the pool is still open. What you see in the center of the map is the property line and the green outbound, the proposed pool is in the center in red. It pretty much overlaps the deep end of the pre-existing pool. The old pool scales at approximately 18 to 20-feet in width, and a length of 45-50-feet, where the proposed pool is only 15 X 30-feet. About 55% the size of the pre-existing pool. By all indications the west side of the pool looks to be the deep end as the map shows a diving board and darker water at that end. In 2012 as part of the subdivision the pre-existing pool had been removed. Board members asking questions were: Love, and Rabenda. The stipulation is there are no other Variances requested. Mayor Dempsey said he doesn't have a problem with the pool, he has a problem with the pavers, and some of them need to be removed to achieve green space at the site, Councilman McCarthy agreed with this as did member Rabenda. Chairman Hamilton said there is an Ordinance in the hopper now which would make pavers impervious and he suggested reducing the amount of pavers around the pool and making more green space there as well, possibly a 4-foot perimeter, shrink down the width of the driveway, come up with more green space the Board may consider this. Engineer Yodakis said this may be the only case where there was an existing pool on a property before where an applicant is seeking to replace what was there, which makes this a unique situation. Board member Love made a motion to open the meeting to the public, Mayor Dempsey seconded, all in favor none opposed.

Audience Members:

Henry Gavin – 126 Fletcher – he stated his support of this application

Veronica O'Connor – 145 Fletcher – she had two concerns, first is her concern regarding trees being removed. Mayor Dempsey told her the Shade Tree Commission monitors this. Her second concern did not apply to this case. Mayor Dempsey told her that could be addressed at the end of tonight's meeting.

Mayor Dempsey moved to close the public portion, motion seconded by member Thompson, all in favor none opposed.

March 4, 2014

Board member Rabenda said the Board needs to be specific about what the agreement is to where these pavers are going to be and not going to be. Attorney Brodsky said what we talked about was having the driveway be gravel as opposed to pavers and also on the east side add some grass. Vera Wu showed on the plan what they would be grassing. Mayor Dempsey asked for a grassy area up against the garage also. Chairman Hamilton made a suggestion, in the front of the property where the pavers are coming out the front walkway out of the house, it is his suggestion that where the walkway meets the driveway out to the property line at the sidewalk be pavers, for the simple reason is we don't want to see stones out on the sidewalk to the curb, so keep them contained on the property. Chairman Hamilton said he has to commend the applicant the way they presented this. He still has a problem with these pools because we put this Ordinance in place because it became a problem of pushing ground water around. What you have done here is still even though its small is pushing a certain amount of water here. Although there was a pool here before, but once you start multiplying these properties along and everyone jumps on the band wagon and gets in a pool of some sort and get a Variance from us you start to trap ground water or underground streams and we are back to square one. And, each application does stand on its own merit. But, I am seeking input from Board Council as to the impact approving any pool application consequences on the Board. Mr. Brodsky said this is a unique application. Councilmember McCarthy made a motion to approve the application with all the stipulations stated, motion seconded by Board member Love.

Board Members Voting Yes:

Mayor Dempsey, Chairman Hamilton, Board Members: Muly, Rabenda, Love, Thompson and Councilman McCarthy. No negative votes.

APPLICATION APPROVED

Resolution #07-2014 – Monetti, Lewis – 77 Ocean Avenue – Block: 157 – Lot: 20.01 – Zone: R-4 – Board Member Rabenda made a motion to memorialize the resolution, motion seconded by member Thompson. Motion carried by the following vote: “yes” Mayor Dempsey, Chairman Hamilton, Board Members Rabenda, and Thompson. “no” none

RESOLUTION MEMORIALIZED

Resolution #09-2014 – Taglione, Mark and Vicki – 471 Euclid Avenue – Block: 143 – Lot: 13, 14 – Zone: R-2 – Mayor Dempsey made a motion to memorialize the resolution, motion seconded by Board Member Thompson. Motion carried by the following vote: “yes” Mayor Dempsey, Chairman Hamilton, Board members Rabenda and Thompson. “no” none.

RESOLUTION MEMORIALIZED

Vouchers – Mayor Dempsey made a motion seconded by Councilman McCarthy,

Chairman Hamilton said he verified applications with Sharon Bogie and also the Zoning Officer, Richard Furey for the meeting of March 18, 2014 and he would like a motion to cancel that meeting. Board member Thomson moved to cancel, McCarthy seconded all in favor none opposed.

March 4, 2014

Next, Chairman Hamilton said the Monmouth County Planning Board is looking for a representative from each Community within their jurisdiction to have an individual that would correspond basically through e-mail, there may be a couple of short meetings they may want to attend to bring information from each Municipality to the Monmouth County Planning Board and report back to the Planning Board and the Council. Board member Thompson nominated John Burke, motion seconded by John Muly. Mayor Dempsey said he would be the ideal candidate. Chairman Hamilton will speak to John about this.

Board Member Ragan said he is putting Ordinances and other information together along with Mark Apostolou and he will be providing copies for Board members.

Mayor Dempsey made a motion to open the meeting to the public, motion seconded by member Muly, all in favor.

Audience Members:

Veronica O'Connor – 145 Fletcher Avenue – she asked if a house is being built how a neighbor handle issues they may have can. She was told that any application seeking Variances would have to come before the Planning Board and neighbors within 200-feet would receive notice of the application stating what Variances are being requested. If a neighbor has an issue they can come before the Board and state their disapproval or they can speak directly to their neighbor. Next, she asked about pools and also if she could have contact information for Councilman McCarthy. He told her he would give her his e-mail address and he would be happy to speak to her.

Lou Esposito – his son owns property at 46 Second Avenue – Chairman Hamilton stopped Mr. Esposito and he said the issues the gentleman has are for the Code Enforcement Department and not the Planning Board. If you have an issue that has to do with Zoning we will be glad to deal with that and he answered yes it did. He proceeded to speak and had a memo with six issues he has with Mr. Bostell. Chairman Hamilton said I will accept the memo, I will not comment on it. If there are any violations of compliance of the approvals given before this Board, the Zoning Officer will deal with that applicant. If he has an issue he has the option and the obligation to take that individual to Court, or put a stop work order on them. All your issues have to be taken up with either the Court or the Code Enforcement Department. We are not an enforcing agency. Mr. Esposito said the Board approved this application without a grading plan. The driveway as-built is 6 to 8-inches higher in spots than what it originally was. He said he went to the Code Enforcement Officer today and he said the Board didn't ask for a grading plan. Does that mean that when we put our walkway back in again that we can go six inches higher than him. Chairman Hamilton said he will pull the file and speak to the Zoning Officer about this. We will get an answer to this and get you something in writing, I know they have been working on it and he thought it was resolved and if not then he will try to get that accomplished. His next issue regarded the compressors between his son's patio and the Bostell's property. Chairman Hamilton said if it becomes an issue the County Health Department will send down a noise

March 4, 2014

specialist who will do a decibel reading. Attorney Cramer said they will have to look at the Resolution.

Board member Thompson made a motion to close the public portion of the meeting, motion seconded by Councilman McCarthy all in favor none opposed.

Board member Thompson made a motion to adjourn the meeting; the motion was seconded by member Rabenda, all in favor none opposed.

Meeting adjourned at 8:07PM

Respectfully Submitted,



Mary C. Salerno
Planning Board Secretary

DATE APPROVED 5-6-14